

# PATENT COOPERATION TREATY

04 AUG 2005

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

To:  
GLAXOSMITHKLINE  
Corporate Intellectual Property  
Attn. Goddard, Carolyn J.  
CN925.1  
980 Great West Road  
Brentford, Middlesex TW8 9GS  
UNITED KINGDOM

(PCT Rule 44.1)

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| <b>GlaxoSmithKline</b><br><b>Corporate IP</b><br><b>Received BRENTFORD</b><br><b>02 AUG 2005</b> |  | Date of mailing<br>(day/month/year) 03/08/2005                             |
| Applicant's or agent's file reference<br>CJG/PB60825   | <b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below   |  |
| International application No.<br>PCT/GB2005/001333   | International filing date<br>(day/month/year) 06/04/2005 | ATTORNEY/JM ADMIN/MY<br>IPM: N/A ON UPDATED ON 3/8/05<br>ATTY CHECKED/FILE |
| Applicant<br>GLAXO GROUP LIMITED   |  |  |

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

## Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

**For more detailed instructions,** see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Stefan Brell

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

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|--|--|--|
| Applicant's or agent's file reference<br><br>CJG/PB60825 | <b>FOR FURTHER ACTION</b><br>see Form PCT/ISA/220<br>as well as, where applicable, item 5 below. |  |
| International application No.<br><br>PCT/GB2005/001333   | International filing date ( <i>day/month/year</i> )<br><br>06/04/2005                            | (Earliest) Priority Date ( <i>day/month/year</i> )<br><br>08/04/2004 |
| Applicant<br><br>GLAXO GROUP LIMITED                     |  |  |

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

**4. With regard to the title,**

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

TETRAHYDROBENZAZEPINES AS HISTAMINE H3 RECEPTOR LIGANDS

**5. With regard to the abstract,**

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

**6. With regard to the drawings,**

a. the figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_\_

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/GB2005/001333

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C07D403/14 C07D223/16 C07D401/12 C07D401/14 C07D413/14  
C07D403/12 A61K31/55 A61P25/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07D A61K A61P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BEILSTEIN Data, CHEM ABS Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category ° | Citation of document, with indication, where appropriate, of the relevant passages   | Relevant to claim No. |
|------------|--|-----------------------|
| X          | WO 2004/018432 A (ELI LILLY AND COMPANY;<br>GADSKI, ROBERT, ALAN; HIPSKIND, PHILIP,<br>ARTHUR;) 4 March 2004 (2004-03-04)<br>cited in the application<br>Abstract; page 13, scheme 1; page 42, last<br>paragraph; claims; examples.<br>----- | 1-9                   |
| X          | WO 2004/026305 A (ELI LILLY AND COMPANY;<br>BLANCO-PILLADO, MARIA-JESUS; CHAPPELL,<br>MARK, DO) 1 April 2004 (2004-04-01)<br>cited in the application<br>Abstract; claims; page 226, product of<br>step 8.<br>-----<br>-/--                  | 1,3-9                 |

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

° Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

26 July 2005

Date of mailing of the international search report

03/08/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Weisbrod, T

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB2005/001333

| C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT |   |                       |
|--|---|-----------------------|
| Category °   | Citation of document, with indication, where appropriate, of the relevant passages  | Relevant to claim No. |
| P,X  | WO 2004/035544 A (GLAXO GROUP LIMITED;<br>HEIGHTMAN, THOMAS, DANIEL; WILSON, DAVID,<br>MATTHEW) 29 April 2004 (2004-04-29)<br>Abstract; page 7, lines 26-35; claims;<br>examples.<br>-----            | 1-9                   |
| P,X  | WO 2004/056369 A (GLAXO GROUP LIMITED;<br>BAMFORD, MARK, JAMES; DEAN, DAVID,<br>KENNETH; SEHMI) 8 July 2004 (2004-07-08)<br>Abstract; page 14, lines 12-21; claims;<br>examples.<br>-----             | 1-9                   |
| P,X  | WO 2005/014479 A (GLAXO GROUP LIMITED;<br>BENDER, DIRK; ABUREL, POMPILIU SORIN)<br>17 February 2005 (2005-02-17)<br>Abstract; claims; page 17, example 26,<br>starting material and product.<br>----- | 1                     |
| E  | WO 2005/039591 A (F. HOFFMANN-LA ROCHE AG;<br>JOLIDON, SYNESE; RODRIGUEZ SARMIENTO, ROSA<br>MA) 6 May 2005 (2005-05-06)<br>Abstract; claims; examples.<br>-----                                       | 1-9                   |

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/GB2005/001333

### Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
Although claim 7 is directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compounds.
2. ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

#### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB2005/001333

| Patent document<br>cited in search report | Publication<br>date | Patent family<br>member(s)  | Publication<br>date                                  |
|---|---------------------|---|--|
| WO 2004018432 A                           | 04-03-2004          | AU 2003256793 A1<br>EP 1539704 A1<br>WO 2004018432 A1                 | 11-03-2004<br>15-06-2005<br>04-03-2004               |
| WO 2004026305 A                           | 01-04-2004          | AU 2003269980 A1<br>BR 0314308 A<br>CA 2499690 A1<br>WO 2004026305 A1 | 08-04-2004<br>05-07-2005<br>01-04-2004<br>01-04-2004 |
| WO 2004035544 A                           | 29-04-2004          | AU 2003278084 A1<br>WO 2004035544 A1                                  | 04-05-2004<br>29-04-2004                             |
| WO 2004056369 A                           | 08-07-2004          | AU 2003294909 A1<br>WO 2004056369 A1                                  | 14-07-2004<br>08-07-2004                             |
| WO 2005014479 A                           | 17-02-2005          | WO 2005014479 A2  | 17-02-2005   |
| WO 2005039591 A                           | 06-05-2005          | WO 2005039591 A1<br>US 2005107360 A1                                  | 06-05-2005<br>19-05-2005                             |